

Application No.: 10/800516

Case No.: 53949US013

Remarks

Claims 1-30 are pending. Applicant respectfully requests reconsideration of claims 1-30 in view of the following remarks.

The Patent Office asserts that the application contains claims to the following distinct species of the claimed invention:

Species 1: the carrier made of synthetic plastic;

Species 2: the carrier made of ceramic; and

Species 3: the carrier made of polycarbonate.

The Patent Office requires Applicant to elect a single disclosed species for prosecution on the merits to which the claim shall be restricted, if no generic claim is finally held allowable.

The Patent Office asserts that claims 1 and 23 are generic.

Without agreeing to the Patent Office's characterization of the above-identified species or admitting that the election of species requirement is even proper, but in order to comply with the requirement, Applicant hereby elects Species 1. Applicant submits that the Patent Office has improperly characterized "polycarbonate" and "synthetic plastic" as species when, in fact, polycarbonate is a species of the genus synthetic plastic. Accordingly, Applicant believes that claims 1-30 read on the elected species.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested. The Examiner is invited to contact Applicants' undersigned representative with any questions concerning Applicants' application.

Should the Examiner determine that a telephone interview would be beneficial in resolving any of the issues in this case, the Examiner is invited to telephone the undersigned attorney at the telephone number noted below.

Respectfully submitted,

January 18, 2005

Date

By: 

Daniel D. Biesterveld, Reg. No.: 45,898

Telephone No.: (651) 737-3193

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833